

## CHARTER COMMISSION

### PROPOSED AGENDA FOR FEBRUARY 15, 2017, MEETING

4:30 P.M. – ROOM 104 OF CITY HALL

- A. Administrative Business
  - a. Call Meeting to Order
  - b. Swearing in of appointed members
  - b. Recording of Attendance
  - c. Approve Minutes of November 15, 2016 meeting
  - d. Set Order of Agenda
  - e. Communications
    - Memo form Kenvold, Neumann and Mayor Brede containing proposed changes to Sections 4.00, 8.05, 8.06 and 9.00
    - Proposed changes in Word format
- B. Open Comment Period
- C. Committee Reports
- D. Unfinished and Deferred Business
  - a. Discussion of City Administrator's Duties
- E. New Business
- F. Other business - as may be brought up by members
- G. Adjourn

## CHARTER COMMISSION

MINUTES FOR JANUARY 10, 2017

4:30 P.M. – ROOM 320 CITY HALL

### A. Administrative Business

- a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by President Vince Barry at approximately 4:32 p.m.
- b. Swearing in of re-appointed/new members: Val Langseth of the City Clerk's office was present to administer Oaths to the new and/or re-appointed commission members. President Vince Barry took a moment to have a short round table of introductions.
- c. Recording of Attendance: Present were commission members Kathy Meyerle, Jane Belau, Fred Suhler, Robert Haeussinger, Fran Bradley, Carol Kamper, Vince Barry, Kellie Mueller, Ray Schmitz, Dick Hall, Leigh Johnson and John Eckerman. Absent were commission members Stephanie Podulke, Dave Senjem, and Marcia Marcoux.
- c. Approval of Minutes: The minutes of November 15, 2016 were approved as submitted.
- d. Set Order of Agenda: President Barry set agenda as ordered.
- e. Communications:
  - Home Rule Charter Section 8.06;
  - Rochester Code of Ordinances Chapter 11

### B. Open Comment Period: None

### C. Committee Reports: None

### D. Unfinished and Deferred Business: None

### E. New Business:

- a. City Administrator Stevan Kvenvold and Asst. City Administrator Gary Neumann were present to discuss and answer questions on the duties of the City Administrator since Stevan's appointment as an assistant in 1970 and the city administrator in 1979. Stevan talked about his various job duties and how they have evolved over the years given his experience and influence. He suggested he works on the same level with the department heads with the additional authority over the council agenda duties, carrying out council directives, the evaluation of department heads and the creation of a recommended City budget. Stevan suggested the appointive authority language that is currently outlined in the city ordinances should be included in the Charter and also a statement that the city administrator has fiscal authority over City departments.

Leigh Johnson asked Kvenvold to clarify the definition between City Manager vs. City Administrator title. Kvenvold felt that the titles/roles are different in that a city manager has the ability to hire/fire anybody and the control is over all departments. A city administrator does not have that same authority. An administrator can recommend a hire/fire but the ultimate decision would be up to the City Council.

Assistant City Administrator Gary Neumann suggested there is a slight conflict with the Charter in terms of the duties between city administrator and mayor and in looking towards the future would like to see these roles be made more clear. He suggested the "general supervision and control of City departments" language would be better placed under the city administrator section than under the mayor section. He believes it would be appropriate to refer to it as budget authority and fiscal control over departments.

Stevan suggested that he would work with Dave Goslee and Gary Neumann and come back with suggested changes to make the mayor and city administrator sections more closely aligned with current City operations. The Commission felt that was a good suggestion and looked forward to reviewing that outline.

In closing, Stevan commented on other matters the Commission may be considering related to the common council and suggested:

- a) If councilmembers are to be provided staff, centralized staff support and not individual staff per council member should be provided;
- b) Adding more wards would not relieve the burden on councilmembers;
- c) Creating full-time politicians would not serve the citizens of Rochester well;
- d) Prohibiting current City employees from serving on the Council is an appropriate policy that should be continued.

After discussion the Commission thanked Stevan Kvenvold and Gary Neumann for their service to the City and for their time in speaking and providing their perspective. Bob Haeussinger moved to have David Goslee work with Kvenvold and Neumann to prepare proposed charter amendment language relative to the mayor and city administrator job duties. Kathy Meyerle suggested the motion should also cover inclusion of the appointive authority language currently in City ordinance which was accepted. Ray Schmitz seconded. Motion carried.

- b. Brief discussion was held on terminology contained in the mayor section of the Charter. Consensus was to focus on the proposed language for the administrator's position and consider the mayor's duties based on recommended changes.

F. Other business:

The Commission wanted to move this along in a timely manner and asked for a meeting to be held February 15, 2017.

G. Adjourn: The meeting was adjourned at 5:55 p.m. The next scheduled meeting will be held on February 15, 2017 at 4:30 p.m. in conference room 104.

**City Administrator's  
Office**

# Memo

**To:** Charter Commission

**From:** City Administrator, Assistant City Administrator, Mayor Brede  
*[Handwritten signatures: J.M., K.B.]*

**cc:** Dave Goslee, Deputy City Attorney

**Date:** January 23, 2017

**Re:** Administration and Mayor's Recommendation on Charter Language

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We thank you for the opportunity to present our thoughts and recommendations concerning the charter language relating to the position of City Administrator. With the upcoming retirement of the current City Administrator, it is appropriate to review the roles and responsibilities of the City Administrator's position prior to the appointment of a new City Administrator.

The current descriptions in the Charter for both the City Administrator responsibilities and the Mayor responsibilities with regard to supervision of department heads do not accurately reflect how the city organization has operated since the position of City Administrator was created in 1965. The Charter changes that we have recommended (attached) are simply intended to codify how the City has operated for many decades. In our view, it does not attempt to go beyond that. We will provide you with a brief description and rationale for the recommended changes.

As a general summary, among the most important aspects of the City Administrator's position are:

1. Recommending the annual budget, this is already provided for in the Charter;
2. Recommending the appointment of many department heads of the City. The current City Administrator ordinance describes the role of the CA in recommending

department head positions, but that language is not currently included in the charter;

3. General supervision authority for the department heads. This is currently listed as a role of the Mayor in the Charter, but that actually has been performed by the City Administrator for many years.

Section 4.00 Mayor's Duties Sub 2. The current charter language states that the Mayor has "general supervision and control of all the officers and departments of city government". Mayor Brede has stated that this is not an accurate description as he has not exercised that authority in his term. In addition, the City Administrator has also stated that none of the five mayors during his years of service to the City have performed that role. For several decades, that role has been performed by the City Administrator. Mayor Brede has stated his support for the changes shown in Section 4.00 Sub. 2.

Section 8.05 (City Administrator). These changes note that the City Administrator is the chief administrator for the Mayor and City Council. It also states that the City Administrator shall have general supervision over the department heads and conduct their performance evaluations and establish their compensation, pursuant to Council approved parameters, unless that duty has been granted to a particular board by ordinance or charter. Those are functions that the City Administrator currently performs.

With regards to general supervision, that is a role of the City Administrator for all the department heads, but only to a limited extent with regards to the RPU General Manager. The City Administrator recommends the budget for all the departments, with the exception of RPU, and that is already provided for in the Charter. There is language in the charter relating to the RPU Utility Board, the Library Board, and the Park Board that provides for those boards to do their own department head evaluations and establish compensation, but there is a provision that allows those boards to delegate that role to the City Administrator. The Park Board has delegated that role to be performed by the City Administrator.

It is also recommended that the language relating to the City Administrator's role in recommending Department head appointments which is in the current City administrator ordinance also be included in the Charter.

Section 8.06 (Administrator; specific duties). Changes discussed below:

- (3) has been revised to more specifically detail the City Administrator role in the budget oversight after adoption to make it consistent with how this has been done for decades.
- (7) a sentence has been added to list the role that the City Administrator plays in the review of all agenda items that go to the Mayor and Council for the regular meetings of the Council.

Section 9.00 (Department established). A sentence has been added to note that the City Administrator completes the performance evaluation for the Police Chief and establishes compensation as has been the practice for several decades, in consultation with the Mayor. Mayor Brede is in support of the recommended language.

SECTION 4.00 (Mayor; duties) Subdivision 1. Except as otherwise provided in this Charter, the mayor shall have those duties and powers provided in this section.

Subd. 2. The mayor shall have general oversight of the operations of the city, ~~be chief magistrate or executive officer of the city.~~ He~~The mayor~~ shall take care that the laws of the state, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city. ~~He shall have general supervision and control of all of the officers and departments of the city government. He shall take care that all other officers of the city discharge their respective duties, and to that end may maintain any action of mandamus or other appropriate action, against any delinquent city officer.~~ He~~The mayor~~ shall from time to time give the common council such information and recommend such measures as he shall deem advantageous to the city. ~~HeThe mayor may, whenever he shall deem necessary, require of any city officer an exhibit of his books and papers. ~~He~~The mayor shall possess such further powers and perform such further duties as may be conferred or prescribed by this charter, or by any act of the legislature of the State of Minnesota, which is or shall be applicable to the City of Rochester, or by any city ordinance or regulation duly passed or adopted in pursuance thereof.~~

SECTION 8.05. (City Administrator). The city administrator shall serve as the chief administrator ~~for in an advisory and consulting capacity as special assistant to the mayor and council.~~ ~~He~~The city administrator shall perform such special assignments of work as may be given to him by the mayor, council, or any standing committee of the council. ~~He~~The city administrator shall formulate suggested policy and compile supporting data for city projects and matters broader in scope than those affecting individual departments, boards, or commissions. ~~He~~The city administrator shall establish and maintain liaison between the mayor, council, department heads, commissions, boards, other governmental units, and interested civic organizations and groups. ~~He~~The city administrator shall also exercise such specific authority as the mayor and council may grant to him, consistent with the charter and ordinances of the city. The city administrator shall exercise general supervision and provide leadership and direction to the department heads. The city administrator shall annually conduct the department heads' performance evaluations and establish their compensation consistent with council-approved parameters unless that duty has been extended to a particular board by ordinance or this charter. Except as otherwise provided by law or in this charter, the city administrator shall recommend to the appointing authority the appointment and removal of department heads. The city administrator shall also recommend to the appointing authority the appointment and removal of subordinate personnel when that authority is conferred upon the city administrator by city policy, this charter or state law. (Enacted by Ord. No. 3065, effective February 8, 1997)

SECTION 8.06. (Administrator; specific duties). Notwithstanding any provision in this Charter to the contrary, the city administrator shall have the following duties:

- (1) coordinate the administrative functions and operations of the various departments, divisions and services of the city government, and on behalf of the mayor and council carry out the policies, rules, regulations and ordinances adopted

by it relating to the administration of the affairs of such departments, divisions and services;

(2) recommend to the mayor and council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of city affairs;

(3) ~~cause to be prepared the~~prepare and recommend an annual budget and submit it to the mayor and the council and, upon adoption, shall exercise budget and fiscal responsibility for the budgets of all City departments, excepting the budget of the public utility department;

(4) receive and give immediate attention to all communications addressed to the mayor and council and determine their disposition, provided that all correspondence legally requiring council action shall be placed on the council agenda;

(5) attend all meetings of the council and report on or discuss any matter concerning the affairs of the departments, divisions, services, or activities of city government of which in his judgment the council should be informed; and,

(6) perform such other duties as the council and mayor may require; and,

(7) prepare the agenda and materials for regular meetings of the common council, including the review and approval of the agenda items from departments, and,

(8) authorize the personnel actions including, but not limited to, hiring, transfer, suspension, promotion, discharge, assignments, rewards or discipline of employees, direction of the work and adjustment of other employees' grievances on behalf of the employer.

SECTION 9.00 (Department established). There shall be in the city a police department, of which the mayor shall have such control and supervision as is not vested by law in the police civil service commission and of which department he shall be the chief executive officer and head. Said department shall consist of a chief of police and such patrolmen as from time to time may be authorized by the common council. All members of said department shall be appointed by the mayor. The city administrator shall annually conduct the chief's performance evaluation and shall establish the chief's compensation consistent with council-approved parameters and in consultation with the mayor. In the event the police civil service commission shall at any time be abolished, the powers of such commission shall be exercised by the common council and the department shall operate under rules and regulations established by the common council.

Repeal RCO chapter 11.

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